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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,496	03/08/2004	Makoto UDA	040105	2495
23850 7590 06/25/2007 ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP 1725 K STREET, NW SUITE 1000 WASHINGTON, DC 20006			EXAMINER DAVENPORT, MON CHERI S	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 06/25/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/708,496

Applicant(s)

UDA, MAKOTO

Examiner

Mon Cheri S. Davenport

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on March 8, 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08) ✓
Paper No(s)/Mail Date 3/9/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

3. **Claims 1-6** rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 1 the statement "creating a transmission frame when said parameter agrees with its own node ID having a default node ID0 allotted to each node as an initial value" is unclear and indefinite. Claim 2 the term "default node ID0" is not clear and is indefinite. Claim 3 the statement "control means set its new own node ID at the sum of a prescribed value" is not clear and is indefinite. Claim 4 is a dependant claim written in the wrong format, it is further limiting the claims of 1-3. Claim 5, the use of rounding is not a standard term uses in the art. Regarding claim 6 there is no details of how the frame is created.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. *Claims 1-6* rejected under 35 U.S.C. 103(a) as being unpatentable over Billings (US Patent Number 5,684,956) in view of Geyer et al. (US Patent Number 5,479,613).

Regarding **Claim 1** Billing discloses an information processing terminal (*see figure 2, section 20, server adapter card*) which is connected onto a network to which a plurality of information processing terminals are connected, and transmits a signal when it acquires a transmission privilege on the network, comprising (*see figure on section 10, distributing data processing system, col. 5, lines 1-2*):

a counting means(*see figure 2, section 34, counter*) for repeating count-up to reach a idle time unit(*transmission cycle length*) if the network is idle as a detected result of said bus status detecting means(*see col. 6, lines 51-57, transmission cycle length is set by count of the clock generator*);

a control means(*see figure 2, section 20, server adapter card*) for managing a parameter incremented whenever the idle time unit is detected as a result of count-up by said counting means and creating a transmission frame when said parameter agrees with its own node ID having a default node ID0 allotted to each node as an initial value(*see col. 6, lines 49-58, transmission cycle length(idle time) is set by comparing a count of clock generator to 16 bit channel counter when the values match(parameter agrees with its own node), counters are reset, (default node ID0) the source data is loaded into shift registers(transmission frame)*) and

a transmitting means(*see figure 3, section 38, data register*) for transmitting the transmission frame created by said control means(*see col. 6, lines 58-60, information for transmission is read from data registers 38, a register data server computers writes data(frame)*).

However Billing does not specifically point out a bus status detecting means for detecting whether said network is busy or idle as claimed.

Geyer et al. discloses a bus status detecting means for detecting whether said network is busy or idle (*see col. 5, lines 40-43, the Token Monitor State machine, indicates if the network is in the idle state, see figure 5, Token Monitor State machine*)

Therefore it would have been obvious to a person having ordinarily skill in the art at the time the invention was made to provide Billings system with an idle detecting means because idle detector provide a more efficient tool for measuring the utilization of the network (Geyer et al., see col. 2, lines 7-9).

Regarding **Claim 2** Billings in view of Geyer et al. discloses everything as claimed as applied above (see claim 1). In addition:

Billings discloses an information processing terminal according to claim 1, further comprising a receiving means for receiving the transmission frame (*Billings, see figure 3,*

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section 44, source cable interface, see col. 7, lines 13-14, source cable interface is provided for retrieving information from the remotes sources),

wherein said transmission frame transmitted from the other information processing terminal connected to said network includes the default node ID0, and said control means extracts the default node ID0 included in the transmission frame received by said receiving means and updates said parameter to said default node ID0(*see col. 8, lines 15-21, the starting address (default node ID0), is compared to the counters in the broadcast and channel identification circuit, when the address match a channel comparison is enabled data is transmitted to shift registers and a Direct Memory Access transfer is requested(extracting the default node ID0)).*

Regarding **Claim 3** Billings in view of Geyer et al. discloses everything as claimed as applied above (see claim 2). In addition:

Billings disclose wherein when the error is detected by said synchronizing error detecting means, said control means sets its new own node ID at the sum of a prescribed value enough to continue the period dedicated to reception for a prescribed time and said default node ID0(*Billings, see col. 6, lines 49-56, counters (prescribe value)provide the current channel address(own node ID) for selecting the source of data loaded to the shift registers*), and thereafter when said transmission frame is normally received by said receiving means, said control means updates said parameter to said default node ID0 included in said transmission frame(*Billings, see col. 7, lines 59-62, after data has being transmitted and sets the reset flag, see col. 8, lines 1-2, (default node ID0)*

However Billings does not specifically point out comprising a synchronizing error detecting means for detecting within its own terminal an error which affects the synchronization with the other information processing terminal on said network and relates to counting of said parameter as claimed.

Geyer et al., discloses further comprising a synchronizing error detecting means for detecting within its own terminal an error which affects the synchronization with the other information processing terminal on said network and relates to counting of said parameter(*Geyer et al., see col. 6, lines 13-15, the signal loss detector detects ring clock error*),

Therefore it would have been obvious to a person having ordinarily skill in the art at the time the invention was made to provide Billings system with a synchronizing error detection means because synchronizing error detector provides a more efficient tool for measuring the utilization of the network (Geyer et al., see col. 2, lines 7-9).

Regarding **Claim 4** Billings in view of Geyer et al. discloses everything as claimed as applied above (see claims 1-3). In addition:

Billings discloses a transmission privilege rounding system wherein a plurality of information processing terminals one of which is defined by one of claims 1 to 3 are connected

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to the same network, and said transmission privilege is rounded among said plurality of information processing terminals (*see col. 3-4, lines 64-4, because preselected information is continually transmitted to all of the personal computers communication path is dedicated for transmission (transmission privilege), communication is not congested with data request, see figure 1, see col. 5, lines 12-14*).

Regarding Claim 5 Billings discloses A method for rounding a transmission privilege on a network(*see col. 3-4, lines 64-4, because preselected information is continually transmitted to all of the personal computers communication path is dedicated for transmission (transmission privilege), communication is not congested with data request, see figure 1, see col. 5, lines 12-14*) to which a plurality of nodes are connected, comprising the steps to be carried out by each of said nodes of:

repeating count-up to reach an idle time unit(*transmission cycle length*) if said network is idle(*see col. 6, lines 51-57, transmission cycle length is set by count of the clock generator*), and

incrementing a parameter(clock generator) whenever said idle time is detected(*see col. 6, lines 49-55, transmission cycle length(idle time) is set by comparing a count of clock generator*);

transmitting the transmission frame inclusive of the node ID if said parameter agree with the node ID(*see col. 6, lines 58-60, information for transmission is read from data registers 38, a register data server computers writes data(frame)*);

extracting said node ID included in said transmission frame when said transmission frame is received from the network and updating said parameter to said node ID(*see col. 8, lines 15-21, the starting address (default node ID), is compared to the counters in the broadcast and channel identification circuit, when the address match a channel comparison is enabled data is transmitted to shift registers and a Direct Memory Access transfer is requested(extracting the node ID)).*

However Billings does not specifically point out detecting whether said network is busy or idle as claimed.

Geyer et al. discloses detecting whether said network is busy or idle (*see col. 5, lines 40-43, the Token Monitor State machine, indicates if the network is in the idle state, see figure 5, Token Monitor State machine*))

Therefore it would have been obvious to a person having ordinarily skill in the art at the time the invention was made to provide Billings system with an idle detecting means because idle detector provide a more efficient tool for measuring the utilization of the network (Geyer et al., see col. 2, lines 7-9).

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Regarding **Claim 6** Billings discloses a computer-readable transmission privilege acquisition program loaded in a node which can transmit a signal onto a network to which a plurality of nodes are connected when each node acquires a transmission privilege, said program causing a computer to execute:

processing of repeatedly counting to reach a idle time unit(*transmission cycle length*)network is idle(*see col. 6, lines 49-55, transmission cycle length(idle time) is set by comparing a count of clock generator*);

processing of incrementing a parameter whenever said idle time is detected, thereby creating a transmission frame inclusive of the node ID if said parameter agree with the node ID(*see col. 6, lines 49-58, transmission cycle length(idle time) is set by comparing a count of clock generator to 16 bit channel counter when the values match(parameter agrees with its own node, the source data is loaded into shift registers(transmission frame))* and

processing of transmitting the transmission frame thus created(*see col. 6, lines 58-60, information for transmission is read from data registers 38, a register data server computers writes data(frame)*).

However Billings does not specifically point out processing of detecting whether said network is busy or idle as claimed.

Geyer et al. discloses processing of detecting whether said network is busy or idle (*see col. 5, lines 40-43, the Token Monitor State machine, indicates if the network is in the idle state, see figure 5, Token Monitor State machine*))

Therefore it would have been obvious to a person having ordinarily skill in the art at the time the invention was made to provide Billings system with an idle detecting means because idle detector provide a more efficient tool for measuring the utilization of the network (Geyer et al., see col. 2,lines 7-9).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mon Cheri S. Davenport whose telephone number is 571-270-1803. The examiner can normally be reached on Monday - Friday 8:00 a.m. - 5:00 p.m. EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MD/md
June 14, 2007



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